

BARRY E. HINKLE, Bar No. 071223  
LINDA BALDWIN JONES, Bar No. 178922  
KRISTINA M. ZINNEN, Bar No. 245346  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501-1091  
Telephone 510.337.1001  
Fax 510.337.1023

Attorneys for Plaintiffs

CHELSEA D. MUNDAY (SBN 217746)  
AKIN GUMP STRAUSS HAUER & FELD, LLP  
2029 Century Park East, Suite 2400  
Los Angeles, California 90067-3012  
Telephone 310.229.1000  
Fax 310.229.1001

STEPHANIE K. OSTEEN, (Texas Bar No. 24002713) (applying for pro hac vice)  
AKIN GUMP STRAUSS HAUER & FELD, LLP  
1700 Pacific Avenue, Suite 4100  
Dallas, TX 75201  
Telephone 214.969-2800  
Fax 214.969.4343

Attorneys for Defendant Modesto

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROSEMARY MUCKLOW; PHIL SALGADO,	) No. C-06-3644 (JSW) (BZ)
in their capacities as Trustees of the	) <b>STIPULATION AND [PROPOSED]</b>
NORTHERN CALIFORNIA UFCW	) <b>ORDER VACATING DEFENDANT'S</b>
WHOLESALE HEALTH & WELFARE	) <b>MOTION FOR CONTINUANCE AND</b>
FUND,	) <b>CONTINUING HEARING ON</b>
	) <b>PLAINTIFFS' MOTION FOR</b>
Plaintiffs,	) <b>DEFAULT JUDGMENT</b>
	)
v.	)
	)
MODESTO TALLOW COMPANY, a	)
California Corporation,	)
	)
Defendant.	)

///

WEINBERG, ROGER &  
ROSENFELD  
A Professional Corporation  
1001 Marina Village Parkway  
Suite 200  
Alameda, CA 94501-1091  
Tel: 510.337.1001  
Fax: 510.337.1023

Stipulation and [Proposed] Order Vacating Defendant's Motion for a Continuance and Continuing Hearing on  
Plaintiffs' Motion for Default Judgment (Case No. C-06-3644 (JSW))

1 Plaintiffs and Defendant, through their respective counsel, hereby stipulate and request that  
2 the Court vacate the hearing date for Defendant's Motion for a Continuance and continue the  
3 hearing date on Plaintiffs' Motion for Default Judgment.

4 1. On December 29, 2006, Plaintiffs filed and served their Notice of Motion and  
5 Motion for Default Judgment along with their supporting declarations and attachments thereto.  
6 Plaintiffs' Motion was noticed for March 23, 2007 at 1:30 p.m. in Courtroom 2 before the  
7 Honorable Jeffrey S. White, United States District Court Judge.

8 2. On January 3, 2007, the Court issued an Order referring Plaintiffs' Motion for  
9 Default Judgment hearing to a Magistrate Judge and vacated the March 23, 2007 hearing date.

10 3. On January 9, 2007, the Court issued a Scheduling Order which changed the  
11 hearing date for Plaintiffs' Motion for Default Judgment to February 21, 2007 at 10:00 a.m. in  
12 Courtroom G before the Honorable Bernard Zimmerman, United States Magistrate Judge. On  
13 February 7, 2007, Plaintiffs realized that they had inadvertently failed to provide notice to  
14 Defendant of the change in the hearing date. Upon said discovery, Plaintiffs immediately served  
15 Defendant with the Court's Scheduling Order.

16 4. On February 7, 2007, Defendant filed a Notice of Appearance and Brief in  
17 Opposition to Plaintiffs' Motion for Default Judgment and Motion for Continuance. In said  
18 Motion for Continuance, Defendant is seeking a continuance of the hearing on Plaintiffs' Motion  
19 for Default Judgment because Defendant did not discover that the hearing date had been changed  
20 until February 6, 2007 and therefore needs additional time to prepare for the default judgment  
21 hearing.

22 5. Other than the hearing date change by the Court, there have been no other time  
23 modifications in this case.

24 6. The requested continuance of the hearing date for Plaintiffs' Motion for Default  
25 Judgment will have no adverse effect on the schedule for the case.

26 7. Having met and conferred, counsel for the parties are available on March 21, 2007.

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Therefore, Plaintiffs and Defendant, through their respective counsel, stipulate and agree as follows:

1. To vacate the hearing for Defendant's Motion for a Continuance noticed for February 16, 2007.

2. To continue the hearing on Plaintiffs' Motion for Default Judgment to March 21, 2007 at 10:00 a.m. in Courtroom G before the Honorable Bernard Zimmerman, United States Magistrate Judge.

Dated: February 13, 2007

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: Linda Baldwin Jones  
LINDA BALDWIN JONES  
Attorneys for Plaintiffs

Dated: February 13, 2007

AKIN GUMP STRAUSS HAUER & FELD, LLP

By: Stephanie K. Osteen  
Stephanie K. Osteen  
Attorneys for Defendant

~~PROPOSED~~ ORDER

Pursuant to Stipulation, it is so ordered.

Dated: February 14, 2007

Bernard Zimmerman  
THE HONORABLE BERNARD ZIMMERMAN  
UNITED STATES DISTRICT JUDGE

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